

In re Application of : John J. Park

Appl. Serial No. : 10/813,199

Filed : March 29, 2004

Title: **GOLF HAVING A WIRE SUPPORT FOR A GOLF BALL**

Referring to a third embodiment of the instant invention as shown in figures 6-7B, the support device as shown is comprised of a support wire substantially the same as that of the first and second embodiments with the exception that the support wire is removeably attached to the tee 1 and base 13 by means of springs 15. The springs 15 being removeably attached to the tee 1 and the base 13 by means of posts [[14]] 19 which extend out of the tee 1 and base 13 respectively. Each of the springs mating to the posts [[14]] 19 and subsequently attached to the ends of the support wire. The springs being removeably attached by having the inside diameter of the springs slightly smaller than that of the outside diameter of the ends of the support wire and the posts, whereby an interference fit is established between the springs, the posts and the ends of the support wire. The springs can be changed to provide for differing spring rates so that the rate at which the support wire separates from the golf ball can be altered to accommodate differing configurations of golf club heads and golf club speeds.

Attorney for applicant has amended the above paragraph in accordance with the drawing objection and it is respectfully asserted that the amendment does not present new matter.

REMARKS

Claims 1, 3-5, 7-10 and 12-16 are pending in the application. Claims 1, 3-5, 7-10 and 12-14 have been rejected. Claims 15 and 16 have been objected to by the Examiner

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OBJECTIONS TO THE DRAWINGS

The Examiner has objected to the drawings due to the use of the reference numeral 14 being used to designate both the mat and the posts. Applicant has amended the drawings so as to re-label the posts with a new reference numeral 19, and has amended the specification to reflect such change in the figures. Applicant respectfully requests consideration of the amendments and withdrawal of the objections in view of the above-referenced amendments.

REJECTION UNDER 35 USC 103

Claims 1, 3, 4, 10 and 12-14 have been rejected under 35 USC 103 as being unpatentable over Wei (6,500,077), in view of Blair (4,004,814).

Applicant respectfully, but strongly disagrees with the Examiner's characterization of the above-cited references. The instant invention is directed to a simple, yet efficient device, which is able to support a golf ball, in which the golf ball is supported on a tee having two distinctly claimed sections, the two sections being defined by a series of four sets of bends which form a spoon shaped portion which is folded at a point and a deformable strike portion. The above-cited references do not hold unpatentable the instant invention, as claimed.

Wei is directed to a device, as defined by the examiner as being substantially shown in figures 7-11, and, described in col.2, lines 37-67, which is comprised of a wire that is rotated

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multiple times around a ball holding seat 4 and is comprised of **two sets of bends to lower the elastic arm 3 so that the seat 4 is in line and in the same plane as that of a set of springs 30 and the top of the tee (best shown by leader line of reference numeral 11) so that when the golf ball is placed in seat 4, the club does not strike the arm 3.** Wei specifically discloses in col. 3, lines 21-27, that the springs 30 on the elastic arm 3 prevent deformation of the arm 3 as a result of impact on the ball held by seat 4 and that a small elastic member 301 restores the spring 30 to its original shape when the ball is struck off the cup 4. Wei specifically teaches away from the arm being deformable, thus Wei cannot anticipate a strike portion. The claims recite the specific limitation that the bends define a **deformable** strike portion.

As stated above, Wei does not provide any structure or description which would define a strike portion which is deformable as claimed. Applicant contends that the seat 4 evidences that the structure is not intended to possess a **specifically claimed deformable strike portion** and is not inherently capable of having a strike portion as contended by the Examiner since the arms 3 are lower than the springs 30 and the top of the seat 4, so that if the ball were struck by the golf club the head of the golf club would have to clear the springs 30 and the seat 4, whereas in the instant invention the spoon shaped portion is higher than the top of the tee, thus being able to define a **deformable** strike portion .

Lastly, applicant respectfully suggests that the Examiner has erred in the interpretation of Wei (and Blair), since neither Wei (nor Blair), teach a support wire **folded** at a point, as claimed. The claims specifically recite that the spoon shaped portion (along with the **deformable** strike portion), directly supports a golf ball where the spoon shaped portion is

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folded to form a point. This specific limitation is not even remotely implied by Wei nor is it taught by Blair and thus, should present no bar to the present application.

It is submitted that a person having ordinary skill in the art would not look to the teachings of Blair to modify the Wei reference, as suggested by the Examiner, since Blair does not teach structure which is inherently different than that of Wei. Essentially, the ring of Blair which the Examiner relies upon to teach that the ball directly sits on the wire is essentially the same structure as that of the cup 4 of Wei. Therefore, removing the cup of Wei so that the ball rests on the wire of Wei, as taught by Blair, would not yield a spoon shaped portion **folded at a point**, nor would it yield a deformable strike portion. Blair clearly shows a round wire loop 12 where the two ends 10 of the wire are twisted together to form a **horizontal** elongated section. The Examiner's proposed modification would not satisfy the specific limitations directed to the deformable strike portion or the limitation **directed to the wire having a fold at a point on the spoon shaped portion where the ball directly rests on the spoon shaped portion which is folded at a point.** Such limitation is directly claimed and defined in the disclosure.

Applicant contends that there is no structure, shown or implied in the modified Wei reference that can be construed as a spoon shaped portion having a pointed fold to support a golf ball directly thereon or a deformable strike portion in which the strike portion is deflected away from the golf ball prior to the golf club head striking the ball as claimed. The above-noted features are distinctly patentable over Wei and Blair. In view thereof, Applicant respectfully requests that the rejection be withdrawn and the claims passed to issue.

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Claims 5 and 7-9 have been rejected under 35 USC 103 as being unpatentable over Wei (6,500,077) in view of Blair (4,004,814) and Robbie (5,672,118).

Robbie does not cure the deficiencies of the modified Wei reference. The Examiner has relied upon Robbie to teach the use of a self-supporting base. Applicant does not concur with the Examiner's modification of Wei in view of Robbie. As stated above, the modified Wei reference is deficient in teaching a fold in the spoon shaped portion of the wire, and a series of four sets of bends which define the spoon shaped portion to directly support the ball and a deformable strike portion in which the wire is deflected away when the golf club head comes in contact with the strike portion of the wire. These features are neither taught in Wei, Blair nor in Robbie, thus incorporating the teaching of replacing the tee with a support base does not hold the device of the instant invention unpatentable, as claimed.

It is submitted that a person having ordinary skill in the art would not combine the teachings of a rotating tee device which can only perform at a certain height of the playing surface with a device as taught by Robbie which has an adjustable arm 30 which is intended to solely be raised or lowered so as to teach a user proper swing mechanics, since if the tee of Wei were to be placed on the vertical shaft of Robbie, the Robbie device would not be able to provide for a device having an adjustable height and thus be rendered inoperative for the purposes intended. Applicant contends that the device of Wei cannot be combined without incorporating the arm 30 of Robbie in the proposed combination since such a replacement of structures to hold unpatentable the device of the instant invention is a mere piecing together of components to achieve the device of the instant invention, since the modified Wei device does not provide for a tee being variable height adjustable.

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Applicant contends that the modified Wei reference does not disclose the instant invention as claimed and respectfully requests that the rejection be withdrawn and the claims passed to issue.

It is respectfully submitted that the above, cited references does not disclose the instant invention as claimed. In view of the above referenced Amendment and Remarks, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. 103 be withdrawn.

A good faith effort has been made to place the present application in condition for allowance of the pending claims and such action is earnestly solicited. If there are any questions remaining prior to allowance, the Examiner is respectfully requested to contact the undersigned.

Dated: January 11, 2006

Respectfully submitted,
THE MARTINEZ GROUP PLLC

By: 
Mark Sgantzos, Reg. No. 41,470
Patent Agent for Applicant
Attorneys for Applicant
55 Poplar Street, Suite 1-D
Brooklyn, New York 11201-6930
(718) 797-2341 Telephone
(718) 222-0481 Facsimile